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PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Mark Lykam

Application No.: 10/796,490

Art Unit: 3724

Filed: 030404

Examiner: Ashley Boyer

Title:

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee Bq1 \$50.00

☒ Small entity-fee \$ 700 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☐ is enclosed herewith.

08/07/2006 YPOLITE1 00000021 10796490

B. The issue fee and publication fee (if applicable) of \$ 01 FC:2453

750.00 0

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2. 08/07/2006 YPOLITE1 00000021 10796490

-700.00 0P

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### 3. Terminal disclaimer with disclaimer fee


☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
\_\_\_\_\_  
Signature

**Signature**

7/28/06  
Date

Date \_\_\_\_\_

Mark Lykam  
Typed or printed name

Mark Lykam

Typed or printed name

Registration Number, if applicable

P.O. Box 331  
Address

## Address

978-642-2090

Telephone Number

CHELMSFORD, MA. 01824

## Address

408-427-1204  
CELL

CELL

Enclosures: ☒ Fee Payment

### Fee Payment



Reply



## Terminal Disclaimer Form



**Additional sheets containing statements establishing unintentional delay**



Other: Balance due \$50.00

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

\_\_\_\_\_

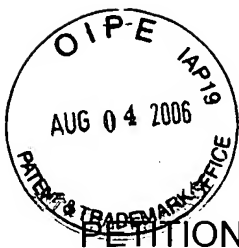
Date

Date \_\_\_\_\_

Signature \_\_\_\_\_

**Signature**

Typed or printed name of person signing certificate



*DAC*

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONAL UNDER 37 CFR 1.137(a)

I respectfully request the US Patent office accept my petition to revive my patent application under unintentional.

It should be noted that the entire delay was unintentional, from the date the abandonment was discovered until the filing of my petitions have been completely unintentional. At no time, from the date of application, have I ever intentionally delayed any response to impede or interrupt the proceedings of my application.

As noted, I was completely unaware of any office action and related notice and have corrected the contact information on my application to receive all correspondence directly.

I respectfully request you continue proceedings on my application and/or forward any material requests necessary to do such.

Thank you.

Mark Lykam – First Inventor 6/29/2006



petition for application

Petition for revival of application; patent number #10796490  
TO whom it may concern:

On July 6, 2006 you recieved a partial payment of \$700.00 dollars for a petition to revive an patent application.  
My patent number #10796490 has been filed away as abandoned. THIS is not the case for i need this patent to be continued asap. My Patent Attorney who i hired to take care of this patent was negligent and was late in responding to the requests that were needed by the USPTO Examiner who was working on this Application. I was told by my Attorney that he did send in the request and additional information that was requested but im not sure what happened and if it was ever recieved. My Attorney since July 30th is no longer working for [www.securepatent.com](http://www.securepatent.com) and now i dont know what im going to do. I have already sent in the necessary forms along with my payment of \$700.00.  
I would like to pay the balance due of \$50.00 so i can get back the patent pending status until my application has been fully reviewed.

Sincerely,

Mark Lykam  
p.o. box 331  
Chelmsford, Ma. 01864

work: 978 642 2094  
cell: 408 427 1204  
cell: 408 655 7253